IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG) NO. 2021 OF 2005

Mr. Rakesh Dubey] .. Petitioner

Versus

1. Union of India & 5 ors.] .. Respondents

None for the petitioner.

Mr. B.A. Desai, Addl.Solicitor General of India with Mrs. S.V. Bharucha for respondent No.1.

Mr. K.K. Singhvi, senior counsel with Ms. S. Ajith Kumar for the respondent No.2.

Mr. D.J. Kakalia i/b M/s. Mulla & Mulla and Cragie Blunt & Caroe for respondent No.4.

Mr. H. Rehman i/b M/s. M.V. Kini & Co. for respondent No.6.

Mr. K.R. Belosay, AGP, for the State.

CORAM: R.M. LODHA &
A.S. BAGGA, JJ.

DATED: 28TH JUNE, 2006

P.C. :

. None appears for the petitioner. Mr. D.J. Kakalia appears for respondent No.4.

2. We perused the Writ Petition and also the reply Affidavits filed on behalf of the State Government, Airports Authority of India and Reliance

Energy Private Limited.

3. The petitioner is a Law student and he felt compelled to invoke the extra ordinary jurisdiction of this Court by means of this Public Interest Litigation as, according to him, the respondents failed to perform their obligatory duties and protect the life and property of citizens during the heavy floods that struck Mumbai on 26th July, 2005.

4. *Inter alia,* petitioner has prayed that respondents be directed to explain as to why they did not take necessary steps to avert flood on 26th July, 2005 in the city of Mumbai and direction to the respondents to take necessary steps so that in future disaster like 26th July, 2005 does not occur. He has prayed that Mithi river be widened and respondents be directed to provide medical assistance and all necessary help to the affected persons due to flood dated 26th July, 2005. As against respondent No.4 - Reliance Energy Private Limited the petitioner prayed that the said respondent be directed to install new electricity meters free of cost to all affected meters due to flood dated 26th July, 2005 and also not charge electricity bill for the month of July, 2005.

5. From the proceedings we find that on August 29, 2005 the Court recorded that the State Government has provided the details of those persons who are said to have been affected or died in the floods that occurred on 26th July, 2005. The compensation amount of Rs.1,00,000/- was paid to an adult and Rs.50,000/- to the child below the age of 18 years. Though on August 29, 2005 the petitioner sought time to check and verify as to whether the amount in fact had been paid to the legal heirs of the deceased, nothing has been placed on record to show that the legal heirs of the persons who died in the flood had not been paid compensation by the State Government.

6. We are thus satisfied that the necessary financial assistance has been provided by the State Government to the legal heirs of the persons who died in floods.

7. As regards the widening of Mithi river, the orders have been passed by this Court from time to time in Writ Petition No.2116 of 2005 and, in our view, no further direction needs to be passed in this Writ Petition in that regard.

8. That in future disaster like 26th July 2005

may not occur, the orders have been passed from time to time in Writ Petition No.2116 of 2005 and the action taken by the State Government in that regard has been noticed therein and, therefore, no further order needs to be passed in this Writ Petition.

9. With regard to the prayer made in the Writ Petition that respondent No.4 - Reliance Energy Private Limited should be directed to install new electricity meters free of cost to all affected meters due to flood that occurred on 26th July, 2005 and also not charge electricity bill for the month of July, 2005, in the reply filed on behalf of respondent No.4, it is stated that about 10000 meters were damaged due to floods and all those meters have been replaced by electronic meters without any charges to the consumers. It is also stated that for the period the meters were not working due to the flood during the month of July, 2005 no charges shall be levied to the consumers. We accept the statement made by respondent No.4 in paragraph 3 of the reply Affidavit.

10. In view thereof, we are satisfied that no further order needs to be passed in this Writ Petition and it is disposed of accordingly.

Sd/-

[R.M. LODHA, J.]

Sd/-
[A.S. BAGGA, J.]